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Criminal Charges Filed in Ivory Trafficking Case

Sting operation uncovers \$1.3 million in illegal ivory for sale at La Jolla gallery

San Diego City Attorney Mara W. Elliott today announced that criminal charges have been filed against the Carlton Gallery in La Jolla, its owner, and an employee for trafficking ivory in defiance of California law.

This prosecution follows the largest seizure of ivory products by the California Department of Fish and Wildlife since a state law banning their sale took effect in 2016. More than 300 pieces of ivory and items containing ivory were seized from the gallery and its warehouse.

The investigation into Carlton Gallery began in May 2017, when wildlife officers from the Department of Fish and Wildlife's Trafficking Unit observed two art-deco sculptures that appeared to be ivory in the gallery's Prospect Street display window. In December 2017 and March 2018, wildlife officers returned and observed additional items that appeared to contain ivory.

In a sting operation conducted on May 1, 2018, undercover wildlife officers purchased an ivory sculpture from salesperson Sheldon Miles Kupersmith, who offered to sell the officers three other sculptures containing ivory. Wildlife officers obtained and executed a search warrant later that day and seized 146 items containing ivory from the gallery. The Gallery's owner, Victor Hyman Cohen, then led investigators to a warehouse nearby where officers seized 192 additional pieces of ivory. Most of the items contained ivory from elephants, while some contained ivory from the teeth of hippopotami. Cohen and Kupersmith were charged as individuals.

"Ivory trafficking is an illegal and reprehensible business that encourages the senseless slaughter of elephants and other endangered species," said City Attorney Mara W. Elliott. **"I hope this prosecution sends a strong message to anyone who sells or is thinking about selling ivory on the black market in San Diego: We will find you and prosecute you to the fullest extent of the law. I want to thank our partners at the California Department of Fish and Wildlife for uncovering this crime in our city."**

A law banning the sale of nearly all ivory in the state of California was authored by state Senate President pro Tempore Toni G. Atkins of San Diego and took effect on July 1, 2016.

"I wrote AB 96 because the law governing ivory sales needed to be strengthened. But a law is just a law if it's not enforced – and funded," Atkins said. **"In 2016, the Legislature and the Governor gave the Department of Fish & Wildlife the resources needed to investigate illegal ivory sales, and they have responded by rooting out criminals who profit from the brutal killing of elephants and other animals. I**

thank Fish & Wildlife’s enforcement team, and prosecutors like City Attorney Mara Elliott, for seeing that justice is done.”

The ban, which can be found in [California Fish and Game Code section 2202](#), encompasses the teeth and tusks of elephant, hippopotamus, mammoth, mastodon, walrus, warthog, whale and narwhal, as well as rhinoceros horn, regardless of whether it is raw, worked or powdered, or from a store or a private collection. Under the law, advertising the sale of any items containing ivory is also prohibited.

Two types of ivory products are exempted from the ban: musical instrument that are made of less than 20 percent ivory and were manufactured no later than 1975, and antiques that are made of less than 5 percent ivory and are more than 100 years old. Neither exception applies to the items seized from the Carlton Gallery.

A first-time violation of this law is a misdemeanor, subject to criminal penalties of up to a year in jail and fines of \$1,000 to \$40,000, depending upon the value of the items. (A copy of the criminal complaint is attached.)

“Seizing more than 300 pieces of ivory as evidence valued in excess of \$1.3 million is representative of innumerable elephants and other species of wildlife poached for their ivory,” said David Bess, California Department of Fish and Wildlife Deputy Director and Chief of Law Enforcement. **“With the authority granted by the legislature just a few years ago to prohibit trade of ivory and rhinoceros horn, and with the assistance of the San Diego City Attorney’s Office, our team is making progress to stop the trade of ivory here in California.”**

To underscore the importance of protecting endangered animals from the cruel ivory poaching industry, Elliott today announced the criminal prosecution at the San Diego Zoo’s Elephant Odyssey exhibit. The San Diego Zoo is a member the Wildlife Trafficking Alliance (WTA), which includes more than sixty partners worldwide dedicated ending the commercial wildlife trafficking.

“In our work to conserve species San Diego Zoo Global works every day to raise awareness for extinction events being caused by wildlife trafficking,” said Dwight Scott, Director of the San Diego Zoo and Advisory Board Member of the Wildlife Trafficking Alliance. **“We are delighted to welcome here today the city attorney's office as we work together to save species.”**

This case is being prosecuted by Supervising Deputy City Attorney Patricia Miranda and Deputy City Attorney Jordan DuBois on behalf of the People of the State of California.

The City Attorney’s [Nuisance Abatement Unit](#) was established in 1984 to address nuisance properties and blight throughout San Diego. The unit works with numerous City and County agencies, including the County Department of Environmental Health, in prosecuting the illegal transportation, storage, and disposal of hazardous waste; leaking underground storage tanks; oil spills; lead paint violations; the destruction of historical and archeological resources; illegal grading and dumping; and the destruction of environmentally-sensitive land. The unit also works with the California Department of Fish and Wildlife to protect the marine environment from fishing in protected areas and to protect endangered species from wildlife trafficking, such as the illegal sale of ivory.

Citizens may report health and safety and environmental violations to the City Attorney’s Nuisance Abatement Unit at 619-533-5655.

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